THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO. 155 OF 2007

DATED: 03-01-2007

Between:

Kaparthy Krishnamurthy … Petitioner

And

Sri Mallikarjuna Swamy Devasthanam,
Asst. Commissioner & Executive Officer,
Komaravalli Village, Cherial Mandal,
Warangal District … Respondent

THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO. 155 OF 2007

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Home for the respondent.

What is assailed in this writ petition is a notice dated 28-12-2006 by which the respondent informs the petitioner that without prior permission or intimation, he has drawn/taken photographs of Gangarenu tree, Rajagopuram, Koneru (tank), Rathi Geerelu, Kodela Pillar, Yellamma temple by audio and video technology and is vending them unauthorisedly, and that such conduct is contrary to law. The respondent does not choose to specify the law, which is violated. The notice further calls upon the petitioner to produce the authorization under which he is conducting these business operations, failing which, the respondent would make a complaint to the police.

The learned counsel for the petitioner states that there is no law, which prohibits taking of these photographs or vending them and further that the petitioner has not taken photographs of the items alleged nor is he selling such photographs. It is also the case of the

petitioner that there is no authorization since he is not doing what is alleged. It is represented that the petitioner has already submitted his response to the impugned notice dated 31-12-2006. In the circumstances, there is no warrant for assuming that the respondent will not consider the explanation.

Apprehending that the respondent would make a complaint to the police, where upon the police would commence investigation, the petitioner is before this Court.

If the petitioner has not taken the photographs as alleged or if taking such photographs and vending them does not violate any law, then the fact that the respondents choose to pursue the idle occupation of making a complaint to the police, could visit the petitioner with no adverse consequence. If the petitioner has violated no law, he need have no fear nor apprehensions. It is always open to the petitioner to sensitize the respondent as to relevant facts and the legal position. Every person in a civil society has a right to interpret the law in the first instance. The petitioner has equally such a right and he may forward his version of the legal position for the respondent's guidance. If the respondent makes a complaint, it is for the police to consider and investigate whether any law is violated. The petitioner in any event, by mere issuance of the impugned notice by the respondent, suffers no prejudice. The petitioner can always respond and point out that there was no justification for the respondent to make any complaint.

On the aforesaid analysis, no relief need be granted and the writ petition is liable to be dismissed.

Accordingly, writ petition is dismissed. No costs.

GODA RAGHURAM, J.

Dt: 03-01-2007
Rns